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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,476	07/17/2003	Alfred Stirnemann	35624	2892

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PEARNE & GORDON LLP
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CLEVELAND, OH 44114-3108

EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/621,476

Applicant(s)

STIRNEMANN, ALFRED

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 18-23, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 17 and 24 is/are rejected.
- 7) ☒ Claim(s) 1, 17 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

The abstract of the disclosure is objected to because the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim 1, 17, and 24 are objected to because of the following informalities: after the preamble there is no semi colon. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al. (USPN 5,919,143).

With regards to claim 17, Jenkins et al. (USPN 5,919,143) teaches an apparatus for the determination of an acoustic impedance comprising:

a probe, (col. 4, line 60)

a microphone, (28; figure 1)

a speaker (col. 7, line 36) and

an acoustic resistor (310; col. 7, line 35) wherein said microphone (312; figure 8) is connected to said speaker via a channel, (Col. 7, lines 35-40) and wherein said channel has an exit opening (below 308; figure 8) with said acoustic resistor (310; figure 8) between said speaker (312; figure 8) and said exit opening, wherein a connecting channel is built up within the probe between the speaker and the microphone leading subsequently to the microphone into an adapter, (figure 8) which is arranged in an unlockable fashion with a housing (200; col. 6, line 57) of the probe.

With regards to claim 24, Jenkins et al. (USPN 5,919,143) teaches an apparatus for the determination of an acoustic impedance comprising:

a probe, (col. 4, line 60)

a microphone, (28; figure 1)

Art Unit: 2863

a speaker, (col.7, line 36) and
a acoustic resistor, (310;col.7, line 35) wherein said microphone (312;figure 8) connected to said speaker via a channel, (Col. 7, lines 35-40) and wherein said channel has an exit opening (below 308;figure 8) with said acoustic resistor(310;figure 8) between said speaker (312;figure8) and said exit opening, for measuring the impedances in the field of quality control of hearing device transducers, porous bodies, membranes, and textiles. ,(figure 2-3)

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

With regards to 1-15,18-23 & 25-26 please see office action mailed on
6/15/2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hersh et al. (USPN 5,119,427) teaches a extended frequency range Helmholtz resonators, and Combs et I. (USPN 5,699,809) teaches a device and process for generating and measuring the shape of an acoustic reflectance curve of an ear,

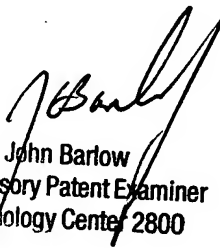
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

Art Unit: 2863

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aditya Bhat
February 16, 2007


John Barlow
Supervisory Patent Examiner
Technology Center 2800